

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

THEODORE DAVIS,)	
)	
PLAINTIFF,)	
)	
v.)	CASE NO. 2:05-cv-632-MHT
)	
ARMSTRONG RELOCATION, LLN,)	
<i>et. al.</i> ,)	
)	
DEFENDANTS.)	

ORDER

On 6 July 2005, this action was removed to this court from the Circuit Court of Montgomery County, Alabama (Doc. # 1). The court has not yet conducted a scheduling conference, and in accordance with this court's policy, motions filed in the state court before removal are not necessarily deemed as pending in this court.

Accordingly, it is ORDERED that the Motion for Partial Summary Judgment originally filed in the Montgomery County Circuit Court on 28 April 2004 and filed in this court along with the state court's record be DENIED as moot and without prejudice. The court will construe as pending only those motions filed after Document # 2, the Notice of Filing of Notice of Removal, filed on 6 July 2005.

The Clerk of the Court is DIRECTED to terminate the motion referenced above.

DONE this 26th day of July, 2005.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE